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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,242	01/30/2004	Alan M. Gilkes	TI-30874.1	8157

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EXAMINER

FIGUEROA, MARISOL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/769,242

Applicant(s)

GILKES ET AL.

Examiner

Marisol Figueroa

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 and 28-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. This Action is in response to Applicant's amendment filed on 3/2/2006. The Applicant amended claims 9, 13, and 29; and added claim 32. Accordingly, claims 9-15, and 28-32 are currently pending in the present application.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 13 and 29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 13 and 29 recites the limitations of "a device operating pursuant to IEEE standard 802.15.1". These limitations were not described in the specification of the present application at the time the invention was made. Applicant's amended the specification to introduce new matter by stating that "the Bluetooth protocol has been standardized as IEEE 802.15.1". However, this

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constitutes new matter, because the question that remains is, if at the time of the invention the Bluetooth protocol was already standardized as IEEE 802.15.1 or not.

Applicant is welcomed to point out were in the specification, originally filed, where the Examiner can find support for the above-mentioned limitations the limitations if the Applicant believes that the specification supports the limitations.

For purposes of examination the Bluetooth protocol and the standard IEEE 802.15.1 are interpreted as short-range wireless technologies.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 9- 12, 14, 15, 28, and 30-32** are rejected under 35 U.S.C. 102(e) as being anticipated by **Santhoff US 2004/0002346 A1**.

Regarding claim 9, Santhoff discloses a method of determining the location of a wireless mobile communication device operating in a wireless communication system (p.0038, lines 1-5), comprising:

the wireless mobile communication device transmitting a first wireless signal at a predetermined transmission power level (p.0032; p.0038, lines 5-9; p.0048; a mobile wireless device having a unknown geographic location transmits an initial request to fixed position wireless devices,

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in the preferred embodiment the wireless device employs ultra-wideband radio that may transmit UWB pulses, or signals at a fixed power level or the power of transmission of the UWB pulse);

receiving the first wireless signal at a known location and transmitting a second wireless signal from the known location in response to the first wireless signal (p.0038, lines 5-17; the fixed position wireless devices having known geographic locations receive the initial request and transmit in response positioning information to the first mobile wireless device); and

determining in the wireless mobile communication device the location of the wireless mobile communication device based on the second wireless signal and the predetermined transmission power level (p.0040, lines 1-8; p.0042; p.0046, lines 1-6; the first mobile wireless device determines its location from the received signals from the fixed wireless devices which were received in response to the first wireless signal with a fixed power level).

Regarding claim 10, Santhoff discloses the method of claim 9, wherein the second wireless signal includes information indicative of the known location (p.0042, lines 11-20; p.0046, lines 1-6; the response signals from the fixed wireless devices are embedded with its geographic position).

Regarding claim 11, Santhoff discloses the method of claim 9, wherein said step of receiving the first wireless signal includes receiving the first wireless signal at a plurality of known locations (p.0038; the initial request signal transmitted from a first wireless device is received at fixed position wireless device having known geographic locations), and wherein said step of transmitting a second wireless signal includes transmitting a second wireless signal from each of the plurality of known locations (p.0038), said determining step including determining that the wireless mobile communication device is located within a predetermined distance of each of the plurality of known locations from which the second wireless signal has been transmitted (p.0040; p.0046).

Regarding claim 12, Santhoff discloses the method of claim 9, wherein said determining step includes determining that the wireless mobile communication device is located within a predetermined distance of the known location (p.0046, lines 1-10).

Regarding claim 14, Santhoff discloses the method of claim 9, including identifying the known location based on the second wireless signal (p.0042, lines 11-20; p.0046, lines 1-6; the response signals from the fixed wireless devices are embedded with its geographic position).

Regarding claim 15, Santhoff discloses the method of claim 14, wherein said identifying step includes the wireless mobile communication device receiving the second wireless signal and identifying the known location based on the second wireless signal (p.0042, lines 11-20; p.0046, lines 1-6; the response signals from the fixed wireless devices with known location are embedded with its geographical position and also information of its time of transmission, the wireless device receives these signals and with this information can triangulate and accurately determine its geographical position).

Regarding claim 28, Santhoff discloses a wireless mobile communication device, comprising:

an output for transmitting a wireless signal at a predetermined transmission power level (Figure 3; p.0043; lines 5-13; p.0032; p.0038, lines 5-9; p.0048; the mobile wireless includes a transmitter 302 to transmit an initial request to fixed position wireless devices, in the preferred embodiment the wireless device employs ultra-wideband radio that may transmit UWB pulses, or signals at a fixed power level or the power of transmission of the UWB pulse ;

an input for receiving a wireless response to said wireless signal, said wireless response including information indicative of a location of a source of said response (Figure 3; p.0043; lines 5-13; p.0038, lines 5-17; p.0042, lines 11-20; the mobile wireless devices includes a receiver 304 to

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receive a response from the fixed position wireless devices having known geographic locations, the response includes the geographic position of the fixed position wireless devices) and

a location determiner coupled to said input and responsive to said information and said predetermined transmission power level for determining a location of said wireless mobile communication device (Figure 3; p.0046, lines 1-10; the mobile wireless device includes a location component determine its location from the received signals from the fixed wireless devices which were received in response to the first wireless signal with a fixed power level).

Regarding claim 30, Santhoff discloses the wireless mobile communication device of claim 28, wherein said input is for receiving a plurality of wireless responses to said wireless signal, each of said wireless responses including information indicative of a location of a source of said wireless response (Figure 3; p.0043; lines 5-13; p.0038, lines 5-17; p.0042, lines 11-20; the mobile wireless devices includes a receiver 304 to receive a response from the fixed position wireless devices having known geographic locations, the response includes the geographic position of the fixed position wireless devices), said location determiner responsive to said predetermined transmission power level and said information in said plurality of wireless responses for determining the location of said wireless mobile communication device (Figure 3; p.0046, lines 1-10; the mobile wireless device includes a location component determine its location from the received signals from the fixed wireless devices which were received in response to the first wireless signal with a fixed power level).

Regarding claim 31, Santhoff discloses the wireless mobile communication device of claim 30, wherein said location determiner is operable for determining that said wireless mobile communication device is located within a predetermined distance of each of the plurality of sources (p.0046, lines 1-10).

Regarding claim 32, Santhoff discloses a method of determining its location by a wireless mobile communication device operating in a wireless communication system operating in a wireless communication system, comprising:

the wireless mobile communication device transmitting a first wireless signal at a transmission power level (p.0032; p.0038, lines 5-9; p.0048; a mobile wireless device having a unknown geographic location transmits an initial request to fixed position wireless devices, in the preferred embodiment the wireless device employs ultra-wideband radio that may transmit UWB pulses, or signals at a fixed power level or the power of transmission of the UWB pulse);

the wireless mobile communication device receiving a second signal from a known location in response to the first wireless signal (p.0038, lines 5-17; the fixed position wireless devices having known geographic locations receive the initial request and transmit in response positioning information to the first mobile wireless device); and

the wireless mobile communication device determining its location based on the second wireless signal and the transmission power level (p.0040, lines 1-8; p.0042; p.0046, lines 1-6; the first mobile wireless device determines its location from the received signals from the fixed wireless devices which were received in response to the first wireless signal with a fixed power level).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. **Claim 13 and 29** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Santhoff**.

Regarding claim 13, Santhoff discloses the method of claim 9, but fails to particularly disclose wherein the mobile communication device is a device operating pursuant to IEEE standard 802.15.1 (i.e. Bluetooth). However, it would have been obvious matter of design choice to modify the wireless device of Santhoff to operate according to the Bluetooth protocol, because is well known in the art for its low cost implementation.

Regarding claim 29, the claim is rejected over the same reasons stated about claim 13, as it recites the same limitations of claim 13. See remarks about claim 13 above.

Response to Arguments

8. Applicant's arguments filed on 3/2/2006, with respect to the rejection of claim 9 under 102(e) as anticipated by Dunne et al. (US 6,745,036) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

9. Applicant's arguments with respect to the rejections of claims 9, 14-15, 28, and 30-31 under 102(e) as anticipated by Santhoff (US 2004/0002346 A1) have been fully considered but they are not persuasive.

In response to the Applicant arguments that the Santhoff publication is not a reference because is a continuation-in-part of a continuation-in-part of US Patent 6,519,464; and only the US Patent 6,519,464 has a filing date prior to the effective filing date of the present application, the Examiner respectfully disagrees. Although the Santhoff publication is a continuation-in-part of a continuation-in-part of US 6,519,464, the rejections cited are fully supported by the US Patent 6,519,464, therefore, the Santhoff publication is a valid reference.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marisol Figueroa whose telephone number is (571) 272-7840. The examiner can normally be reached on Monday Thru Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester G. Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Marisol Figueroa
Art Unit 2617


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